IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 734 of 2005

For Approval and Signature:

HON'BLE MR.JUSTICE JAYANT PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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BHURAJI NATHAJI CHAVDA - Applicant(s)

Versus

THE STATE OF GUJARAT & 3 - Respondent(s)

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Appearance :

MR BS PATEL for Petitioner No(s).: 1.

MRS RANJAN B PATEL for Petitioner No(s).: 1.

Mr.Gohil, Addl.PUBLIC PROSECUTOR for Respondent No(s).: 1.

RULE SERVED for Respondent No(s).: 2, 3,4.

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CORAM : HON'BLE MR.JUSTICE JAYANT PATEL

Date : 21/07/2005

ORAL JUDGMENT

1.The petitioner has preferred this petition for directing the respondents to entrust the investigation

in pursuance of the complaint at annexure “A” to any officer higher in rank than the respondent No.3.

2. Heard Mr.Patel for the petitioner and Mr.Gohil, Ld.APP for the respondent State. The Ld.APP stated before the court that as there were allegations made against the PSI, Visnagar Police Station, the investigation is transferred by DSP, Mehsana to PI, Unjha and he submitted that the investigation is going on and the charge sheet/report uptil now not filed.

3. Mr.Patel, Ld.counsel appearing for the petitioner submitted that as such the petitioner is desirous to get the investigation in connection with the complaint at annexure “A” made by him to DY.SP, Mehsana in connection with the case which is lodged against the petitioner and he is having some evidence of voice recording to show that the bogus case is filed against the petitioner. Mr.Gohil, Ld.AGP, under the instructions of Mr.M.K.Patel, PI, Unjha Police Station, states that so far as the said complaint at annexure”A” is concerned, same is being inquired into by an officer of the rank of Dy.S.P.

4. Under the circumstances, as the complaint of the petitioner at annexure “A” is being inquired into by the officer of rank of Dy.S.P., Gandhinagar, the said officer may examine the complaint and if the

petitioner is having any evidence in support of the complaint, same will also be considered by the concerned Dy.S.P who is inquiring into the matter and thereafter appropriate action in accordance with law shall be taken within a period of one month from the date of receipt of writ of this court.

5. In view of the above, no further order is required to be passed in this petition and the petition is disposed of accordingly.

6. Subject to aforesaid observations /directions, rule is discharged.

(JAYANT PATEL,J)

21.7.05/murty